

DEC 04 1995

SECRETARY, BOARD OF
OIL, GAS & MINING

Castle Valley Special Service District, North Emery Water Users Association and Huntington-Cleveland Irrigation Company, (collectively "Water Users") as parties adversely affected by the Division of Oil, Gas and Mining's decision to renew Co-Op Mining Company's ("Co-Op's") permit to mine the Bear Canyon Mine (ACT/015/025) ("the Permit"), hereby jointly appeal and object to the Division's decision to renew the permit and lodge their request for a hearing pursuant to Rule R645-300-211.

FACTS

1. Water Users own water rights in Big Bear Canyon and Birch Springs, located in close proximity to and down-gradient of Co-Op's mining operations. Said springs are Water Users primary source for providing culinary and irrigation water for the people living in northern Emery County. Harm to the quality and quantity water issuing from these springs will adversely affect Water Users and the people they serve.

2. On June 19, 1995, Co-Op submitted a permit renewal application for the Bear Canyon Mine, and on August 29, 1995, Co-Op initiated public notice proceedings for a renewal of its permit. Co-Op's five-year permit was due to expire on November 2, 1995.

3. On October 12, 1995, Water Users timely filed with the Division of Oil, Gas and Mining their "Objections to Permit Renewal and Request for Informal Conference." (Exhibit "A").

4. On October 19, 1995, the Division of Oil, Gas and Mining granted Water Users' request for an informal conference and scheduled the conference for November 8, 1995. (Exhibit "B").

5. Due the complexity of the issues and the burden placed on Water Users to establish an adequate record and evidence in opposition to renewal, on October 31, 1995, Water Users requested an extension of at least ninety days in which to accumulate the necessary legal and factual grounds in support of their opposition to renewal, which was granted. (Exhibit "C").

6. On November 2, 1995, six days prior to the scheduled date for the informal conference and without notice or hearing, the Division renewed the permit. (Exhibit "D").

ARGUMENT

As outlined in Water Users' Objections to Renewal (Exhibit "A"), Water Users contend that Co-Op has failed to comply fully with the terms and conditions of the permit and the standards provided in the state program and that these alleged omissions and failures endanger Water Users' water resources. Therefore, Water Users contend that Co-Op's permit, if automatically renewed for a successive term, will not adequately protect Water Users' interests and any permit renewal must include additional terms and conditions designed to protect Water Users.

I. WATER USERS DID NOT HAVE A FULL AND FAIR OPPORTUNITY TO PRESENT THE LEGAL AND FACTUAL BASES SUPPORTING THEIR OBJECTIONS

Utah Code Ann. § 40-10-9(4)(a) places the burden on an application for renewal of a permit on the opponents of renewal. However, Water Users, as opponents to renewal, were not given a full and fair opportunity, as allowed by statute, to prepare and present the legal and factual bases supporting their objections to renewal.

First, Utah Code Ann. § 40-10-13(2)(b) provides, "If written objections are filed and a conference requested, the division shall then hold a conference within a reasonable time of the receipt of the objections or request." Part of the procedure required prior to the renewal of a permit requires that a conference be held "within a reasonable time of the receipt of the objections or request." However, the Division's rules for the time allotted between renewal and the time to present objections and hold informal conferences is insufficient for opponents of renewal to

prepare and present their case. Furthermore, the fact that the informal conference was scheduled for November 8, 1995 (six days after the permit was due to expire), is an indication that the rules do not even provide adequate time to meet the requirements of § 40-10-13(2)(b).

Second, section 40-10-13(2)(b) also provides, "The division may arrange with the applicant upon request by any party to the administrative proceeding access to the proposed mining area for the purpose of gathering information relevant to the proceeding." In Water Users' Objections, they specifically requested an inspection of Co-Op's operations with their experts and a review of all relevant hydrologic data. (Exhibit "A," ¶ 6).

Third, Water Users were granted the informal conference at which to present statements and other relevant information only to have the informal conference rendered inconsequential by the Division's decision to renew Co-Op's Bear Canyon Mine permit. Therefore, as a matter of due process, Water Users are entitled to an informal conference and an opportunity to gather information relevant to these proceedings before the Division of Oil, Gas and Mining on Co-Op's permit renewal. Certainly, Water Users should not be penalized for a Division rule (R645-300-131.112, Permit renewal-120 days) that conflicts with the statutory procedures, which allow for the gathering of information, an informal conference, and place a tremendous burden on opponents to renewal.

II. THE BOARD MUST REMAND THE MATTER TO THE DIVISION TO ALLOW WATER USERS TO CONDUCT DISCOVERY AND PREPARE AND PRESENT THE FACTUAL AND LEGAL BASES FOR WATER USERS' OPPOSITION TO RENEWAL

Water Users request that this matter be remanded or referred

back to the Division of Oil, Gas and Mining with an order providing that Water Users be granted the right to avail themselves of formal discovery procedures as allowed under the provisions of R641-108-900. This will allow Water Users to develop an adequate record to meet the burden placed on them by Utah Code Ann. § 40-10-9(4)(a) and ensure that the proceedings are consistent with statutory and constitutional law. As outlined below under Water Users' Argument III., Water Users request a formal hearing by the Board following a full and fair opportunity for Water Users to compile an adequate administrative record.

III. WATER USERS FORMALLY LODGE THEIR OBJECTIONS TO RENEWAL AND APPEAL OF THE DIVISION'S DECISION TO RENEW CO-OP'S PERMIT.

Rule R645-300-211 requires that a request for hearing on the Division's permit renewal decision to be made within 30 days of notice of the decision. Water Users hereby formally lodge an appeal of that decision with the Board of Oil, Gas and Mining, request a hearing and hereby incorporate by reference their "Objections to Permit Renewal and Request for Informal Conference," attached hereto as Exhibit A.

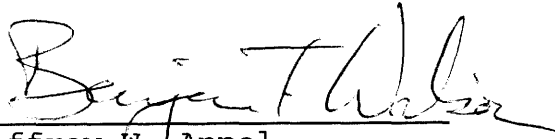
In the event that the Board chooses not to remand or refer the proceedings in this matter back to the Division of Oil, Gas and Mining, Water Users respectfully request that the proceedings held by the Board pursuant to its authority provide Water Users a full and fair opportunity, as outlined herein, to prepare and present the legal and factual bases in support of their opposition to permit renewal.

CONCLUSION

Therefore, Water Users jointly request that the Board refer the proceedings back to the Division of Oil, Gas and Mining with direction that Water Users be given a full and fair opportunity to develop a record to meet their burden in this proceeding.

DATED this 4th day of December, 1995.

COLLARD, APPEL & WARLAUMONT



Jeffrey W. Appel
Benjamin T. Wilson
Attorneys for Water Users

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of December, 1995, I caused to be mailed, postage prepaid, a true and correct copy of the foregoing Objection to Renewal, Appeal and Request for Hearing, to the following:

J. CRAIG SMITH
NIELSEN & SENIOR, P.C.
1100 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UTAH 84111

CARL E. KINGSTON, ESQ.
3212 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84115

F. MARK HANSEN, P.C.
624 NORTH 300 WEST, SUITE 200
SALT LAKE CITY, UTAH 84103

THOMAS A. MITCHELL, ESQ.
ASSISTANT ATTORNEY GENERAL
3 TRIAD CENTER, #350
SALT LAKE CITY, UTAH 84180

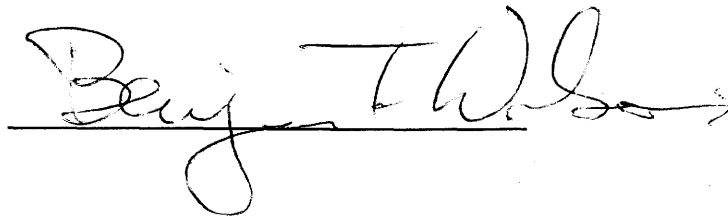
A handwritten signature in cursive script, appearing to read "Benjamin T. Wilson", is written over a horizontal line.

EXHIBIT "A"

Castle Valley Special Service District, North Emery Water Users Association and Huntington-Cleveland Irrigation Company, (collectively "Water Users") as parties adversely affected by the proposed permit renewal to mine the Bear Canyon Mine (ACT/015/025), by and through counsel, hereby submit their objections to the renewal of Co-Op Mining Company's ("Co-Op's") permit and request an informal conference.

OBJECTIONS

The grounds for objection are as follows:

1. Water Users have a vested right to use the water of springs located in close proximity to Co-Op's mining operations, including Big Bear Canyon and Birch Springs, for culinary and irrigation purposes.

2. Co-Op has failed to fully comply with the terms and conditions of its permit and the standards provided in the state program. For instance, over the past five years, Co-Op has been cited for violations of requirements dealing with mine openings, subsidence, runoff containment, waste removal, and water monitoring. Such omissions and failures endanger the water sources of Water Users.

3. Co-Op's current permit does not include measures, terms and conditions adequate to protect water sources in the Bear Canyon Mine area and to remediate whatever harm to these water sources it may cause. Renewal, if allowed by the Division of Oil, Gas and Mining, must provide for adequate maintenance, testing, exploration, protection and remediation, and must include additional terms and conditions designed to protect and provide for immediate replacement of these sources if necessary.

4. The Division of Oil, Gas and Mining has authority to require additional information under R645-303-232.250.

5. Co-Op must provide and the Division of Oil, Gas and Mining should require more specific information regarding Co-Op's mining operations, actual hydrologic consequences of mining, and in-mine activities over the past five years.

6. Water Users request an inspection of the operations with their experts and a review of all data accumulated by Co-Op, whether submitted to the Division of Oil, Gas and Mining or not.

7. The amount of insurance, letters of credit and performance bonds are insufficient to cover the potential liability of Co-Op for damage to Water Users' water supply and sources.

8. Co-Op's mining operations in the past have had, and if allowed will continue to have, hydrologic consequences outside the permit area by adversely and permanently impacting water quantity and quality flowing from Big Bear Canyon and Birch Springs.

SUMMARY OF ISSUES TO BE RAISED AT INFORMAL CONFERENCE

In addition to the issues raised above, Water Users will discuss the following issues at the conference.

1. Water Users intend to present evidence, including expert testimony, that continued mining operations will adversely impact water quantity and quality in the aquifers supporting Big Bear Canyon and Birch Springs.

2. Water Users intend to present evidence that Co-op Mining has repeatedly violated the terms and conditions of its permit and state program standards and that it has acted with disregard to Water Users' welfare.

3. Water Users intend to argue that the operations of Co-Op have had adverse hydrologic impact, have resulted in a modification of the historic water flow patterns tributary to the water sources and that they have interfered with historic flow patterns of water sources of Water Users.

4. Water Users intend to argue that the existing permit

contains inadequate safeguards to ensure protection of the water sources after mining has ceased.

5. Water Users intend to argue that pollution of water sources of the Water Users is created by the mining operations of Co-Op and that inadequate safeguards exist to prevent this.

6. Water Users intend to argue Co-Op Mining is not entitled to an automatic five-year renewal or, at a minimum, that the permit must be changed or modified, if it is granted at all.

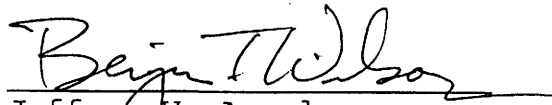
7. Water Users intend to argue that additional test wells, drill holes and monitoring methodology and equipment should be emplaced to ensure protection of the water sources and compliance with state and federal law and regulation.

8. Water Users intend to argue that if renewal is allowed, that the permit be changed or modified to include adequate provisions for maintenance, testing, exploration, protection and remediation, and include additional terms and conditions designed to protect and provide for immediate replacement of water sources if necessary.

DATED this 12th day of October, 1995.

COLLARD, APPEL & WARLAUMONT

NIELSEN & SENIOR


Jeffrey W. Appel
Benjamin T. Wilson
Attorneys for Castle Valley
Special Service District

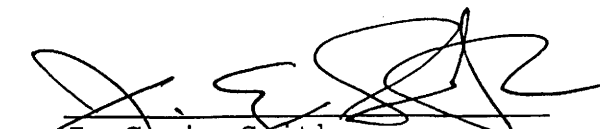

J. Craig Smith
David B. Hartvigsen
Attorneys for North Emery
Water Users Association
and Huntington-Cleveland
Irrigation Company

EXHIBIT "B"

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

—ooOoo—

IN THE MATTER OF THE FIVE-YEAR
PERMIT RENEWAL FOR THE BEAR
CANYON MINE, CO-OP MINING
COMPANY, EMERY COUNTY, UTAH

NOTICE OF INFORMAL
CONFERENCE

CAUSE NO. ACT/015/025

—ooOoo—

THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE ENTITLED
MATTER.

Notice is hereby given that the Division of Oil, Gas and Mining ("Division"), will conduct an informal conference on Wednesday, November 8, 1995, beginning at 1:30 p.m., in the Boardroom of the Division of Oil, Gas and Mining, 355 West North Temple, 3 Triad Center, Suite 520, Salt Lake City, Utah.

The informal conference will be conducted in accordance with the Utah Code Ann. § 40-10-13 (1953, as amended) and Utah Admin. R. 645-300-112 and R. 645-300-123.

Objections to Co-Op Mining Company's five-year permit renewal for the Bear Canyon Mine were received, and an informal conference will be conducted to accept written or oral statements and any relevant information pertaining to this permit renewal from any party to the conference.


Persons interested in this matter may participate pursuant to Utah Admin. R. 645-300-123. The application, subsequent public comments, and request for informal conference may be inspected in the office of the undersigned, 3 Triad Center, Suite 350, 355 West North Temple, Salt Lake City, Utah, (801) 538-5340.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this conference should call Janean Burns at 538-5340, at least three working days prior to the hearing date.

DATED this 19th day of October, 1995.

STATE OF UTAH
DIVISION OF OIL, GAS AND MINING

Post-It™ brand fax transmittal memo 7671		# of pages
To	Jeffrey Appel	
From	James Carter	
Co.	Collard, Appel &	
Co.	Div. Oil, Gas & Mining	
Dept	Work Environment	
Phone #	538-5340	
Fax #	532-1278	
Fax #	359-3940	


James W. Carter, Director
West North Temple
Triad Center, Suite 350

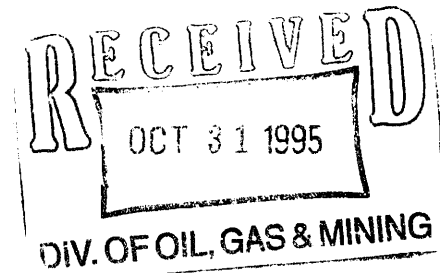
Lake City, Utah 84180-1203
(801) 538-5340

EXHIBIT "C"

COPY

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BENJAMIN T. WILSON (5823)
COLLARD, APPEL & WARLAUMONT, L.C.
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1100 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

Attorneys for North Emery Water Users Association
and Huntington-Cleveland Irrigation Company

BEFORE THE DIVISION OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

IN THE MATTER OF THE FIVE-YEAR)
PERMIT RENEWAL FOR THE BEAR)
CANYON MINE, CO-OP MINING)
COMPANY, EMERY COUNTY, UTAH)

JOINT REQUEST FOR
POSTPONEMENT OF
INFORMAL CONFERENCE

Cause No. ACT/015/025

Castle Valley Special Service District, North Emery Water Users Association and Huntington-Cleveland Irrigation Company (collectively, "Objectors"), by and through their respective attorneys, Jeffrey W. Appel of Collard, Appel & Warlaumont, and Craig Smith of Nielsen & Senior, hereby request that the informal conference scheduled by the Division of Oil, Gas and Mining ("DOGM") for November 8, 1995, be postponed. In furtherance of that request, they state the following:

1. On October 12, 1995, Objectors filed Joint Objections to Co-Op Mining Company's five year permit renewal for the Bear Canyon Mine.

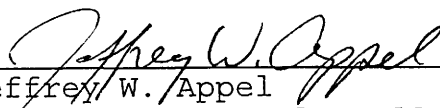
2. On October 19, 1995, notice was sent by the DOGM that an informal conference would be held on November 8, 1995.

3. In order to fully and adequately prepare for the informal conference, Objectors must, among other tasks, undertake a thorough review of the DOGM file, the documents produced by Co-Op, acquire documents and factual background from Co-Op and their experts through discovery and retain experts for their own purposes. In view of the importance of this issue to Objectors, a minimum postponement of ninety (90) days is requested.

WHEREFORE, Objectors request that the informal conference originally scheduled for November 8, 1995, be postponed for a minimum of ninety days.

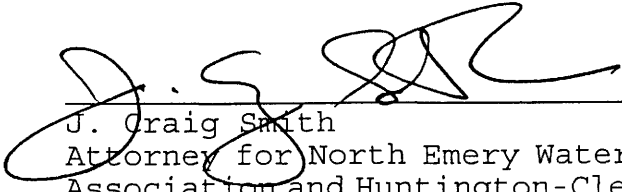
Respectfully submitted this 31st day of October, 1995.

COLLARD, APPEL & WARLAUMONT



Jeffrey W. Appel
Attorney for Castle Valley Special
Service District

NIELSEN & SENIOR



J. Craig Smith
Attorney for North Emery Water Users
Association and Huntington-Cleveland
Irrigation Company

So ordered this _____ day of November, 1995.

DIVISION OF OIL, GAS AND MINING

James W. Carter, Director
355 West North Temple
3 Triad Center, Suite 475
Salt Lake City, Utah 84180

CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of October, 1995, I caused a true and correct copy of the foregoing Joint Request for Postponement of Informal Conference to be mailed, postage pre-paid, to the following:

Wendell Owen
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Carl E. Kingston, Esq.
3212 South State Street
Salt Lake City, Utah 84115

F. Mark Hansen, Esq.
341 South Main, Suite 406
Salt Lake City, Utah 84111

Thomas A. Mitchell, Esq.
Assistant Attorney General
Division of Oil, Gas and Mining
355 West North Temple
3 Triad Center, Suite 475
Salt Lake City, Utah 84180

Wendy S. Hato

EXHIBIT "D"

NOV 1995



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

Michael O. Leavitt
Governor

Ted Stewart
Executive Director

James W. Carter
Division Director

355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
801-538-5340
801-359-3940 (Fax)
801-538-5319 (TDD)

November 2, 1995

Wendell Owen
Co-Op Mining Company
P.O. Box 1245
Huntington, Utah 84528

Re: Permit-Renewal, Bear Canyon Mine, Co-Op Mining Company, ACT/015/025-95H, Folder #3, Emery County, Utah

Dear *Wendell* Mr. Owen.

The permit renewal for the Bear Canyon Mine is approved. The Division acknowledges that pursuant to R645-300-154, the original permit issued by the Division, and subsequently renewed on May 20, 1991 carries with it the right of successive renewal within the approved boundaries of the existing permit in accordance with R645-303-230. Opponents of the renewal have the burden of proof to provide evidence to deny the renewal, but no case was established.

The Decision Document is enclosed for your information.

Very truly yours,

James W. Carter
Director

Enclosure

cc: James Fulton, OSM, WRCC
Jeffrey W. Appel, Esq. (Collard, Appel, Warlaumont)
J. Craig Smith (Nielsen & Senior)
Lowell P. Braxton
Pamela Grubaugh-Littig
Daron Haddock
Joe Helfrich
Price Field Office



PERMIT RENEWAL

Bear Canyon Mine

Co-Op Mining Company

ACT/015/025

November 2, 1995

Contents

- * Administrative Overview
- * Permitting Chronology
- * Findings
- * Permit
- * Informal Conference Requests
- * Determination of Completeness
- * Affidavit of Publication
- * 510 (c) Clearance, memo dated November 2, 1995

PERMIT RENEWAL

Administrative Overview

Bear Canyon Mine

Co-Op Mining Company

ACT/015/025

November 2, 1995

Background

The Bear Canyon Mine is a mine permitted by Co-Op Mining Company in Huntington Canyon area. Room and pillar mining occurs in the Bear Canyon seam (middle seam) the Hiawatha seam (lower seam) and the recently permitted Tank Seam.

Public Notice

The applicant published notice for the five-year permit renewal for four consecutive weeks in the Emery County Progress ending on September 12, 1995. A joint objection by Castle Valley Special Service District, North Emery Water Users Association and Huntington-Cleveland Irrigation Company (collectively "Water Users") was filed to the renewal of Co-Op Mining Company's permit and requested an informal conference on October 12, 1995. On October 19, 1995, notice was sent by the Division that an informal conference was scheduled to be held on November 8, 1995. On October 31, 1995, the objectors (the Water Users) filed a request that the informal conference originally scheduled for November 8, 1995 be postponed for a minimum of ninety days.

Recommendation for Approval

The Division made a decision to approve the permit renewal for five years based on the fact that 1) The terms and conditions of the existing permit are being satisfactorily met; 2) The present coal mining and reclamation operations are in compliance with the environmental protection standards of the State Program; 3) The renewal does not substantially jeopardize the operator's continuing ability to comply with the State Program on existing permit areas; 4) The operator has provided evidence of having liability insurance and a performance bond which will be in effect for the operation and will continue in full force and effect.

Administrative Overview
Permit Renewal
Bear Canyon Mine
Page 2

The Division acknowledges that pursuant to R645-300-154, the original permit issued by the Division on October 30, 1985 and renewed on May 20, 1991 with two conditions carries with it the right of successive renewal, within the approved boundaries of the existing permit in accordance with R645-303-230 (Permit Renewals).

The opponents of the renewal have the burden of proof to provide evidence to deny the renewal but no case was established. Pursuant to R645-303-236, any person having an interest which is or may be affected by this decision to approve the renewal of the Bear Canyon Mine permit have to right to administrative and judicial review set forth in R645-300-200.

PERMIT RENEWAL

Chronology

Bear Canyon Mine

Co-Op Mining Company

ACT/015/025

November 2, 1995

June 16, 1995	Co-Op Mining Company submits permit renewal application.
August 3, 1995	Division issues Determination of Completeness.
August 29, 1995	Co-Op Mining Company initiates public notice for four consecutive weeks.
October 12, 1995	Castle Valley Special Service District, North Emery Water Users Association and Huntington-Cleveland Irrigation Company, (collectively "Water Users") submit joint objections to the renewal of Co-Op Mining Company's permit renewal and request an informal conference.
October 19, 1995	Notice was sent by the Division that an informal conference would be held on November 8, 1995.
October 31, 1995	Water Users request that the informal conference originally scheduled for November 8, 1995 be postponed for a minimum of ninety days.
November 2, 1995	Renewal of the Bear Canyon Mine permit.

FINDINGS

FIVE-YEAR RENEWAL

Co-Op Mining Company

Bear Canyon Mine

ACT/015/025

Emery County, Utah

November 2, 1995

1. The terms and conditions of the existing permit are being satisfactorily met. (R645-303-233.110)
2. The present coal mining and reclamation operations are in compliance with the environmental protection standards of the State Program. (R645-303-233.120)
3. The requested renewal does not substantially jeopardize Co-Op Mining Company's continuing ability to comply with the State Program on the existing permit area. (R645-303-233.130)
4. The operator has provided evidence of having liability insurance (Federal Insurance Company, Policy #SLC950019, effective through January 1, 1996) (R645-303-233.140)
5. The operator has provided an Irrevocable Letter of Credit as reclamation surety (issued by West One Bank, ILOC #1055 in the amount of \$525,000) which is in effect for the operation and will continue in full force and effect for the period of renewal. (R645-303-233.150)

NON-FEDERAL

Permit Number ACT/015/025

November 2, 1995

STATE OF UTAH
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING
355 West North Temple
3 Triad Center, Suite 350
Salt Lake City, Utah 84180-1203
(801) 538-5340

This permit, ACT/015/025, is issued for the state of Utah by the Utah Division of Oil, Gas and Mining (Division) to:

Co-Op Mining Company
P. O. Box 1245
Huntington, Utah 84528
(801) 381-2450

for the Bear Canyon Mine. A collateral bond (Irrevocable Letter of Credit) is filed with the Division in the amount of \$525,000 payable to the State of Utah, Division of Oil, Gas and Mining. The Division must receive a copy of this permit signed and dated by the permittee.

Sec. 1 STATUTES AND REGULATIONS - This permit is issued pursuant to the Utah Coal Mining and Reclamation Act of 1979, Utah Code Annotated (UCA) 40-10-1 et seq, hereafter referred to as the Act.

Sec. 2 PERMIT AREA - The permittee is authorized to conduct underground coal mining activities on the following described lands within the permit area at the Bear Canyon Mine, situated in the state of Utah, Emery County, and located:

Township 16 South, Range 7 East, SLBM

Section 14: S1/2

Section 23: E1/2, E1/2 NW1/4, E1/2 SW1/4

Section 24: All land West of North-South Trending Bear Canyon Fault

Section 25: All land West of North-South Trending Bear Canyon Fault

Section 26: NE1/4 NE1/4, NW1/4 NE1/4, N1/2 SW1/4 NE1/4 and the access/haul road and topsoil storage area as shown on Plate 2-1 of the Mining and Reclamation Plan

This legal description is for the permit area of the Bear Canyon Mine. The permittee is authorized to conduct underground coal mining activities connected with mining on the foregoing described property subject to the conditions of the leases, the approved mining plan, including all conditions and all other applicable conditions, laws and regulations.

- Sec. 3 COMPLIANCE** - The permittee will comply with the terms and conditions of the permit, all applicable performance standards and requirements of the State Program.
- Sec. 4 PERMIT TERM** - This permit becomes effective on November 2, 1995 and expires on November 2, 2000.
- Sec. 5 ASSIGNMENT OF PERMIT RIGHTS** - The permit rights may not be transferred, assigned or sold without the approval of the Director, DOGM. Transfer, assignment or sale of permit rights must be done in accordance with applicable regulations, including but not limited to 30 CFR 740.13{e} and R645-303.
- Sec. 6 RIGHT OF ENTRY** - The permittee shall allow the authorized representative of the DOGM, including but not limited to inspectors, and representatives of the OSMRE, without advance notice or a search warrant, upon presentation of appropriate credentials, and without delay to:
- (a) Have the rights of entry provided for in 30 CFR 840.12, R645-400-110, 30 CFR 842.13 and R645-400-220;
 - (b) Be accompanied by private persons for the purpose of conducting an inspection in accordance with R645-400-210 and 30 CFR 842, when the inspection is in response to an alleged violation reported to the Division by the private person.
- Sec. 7 SCOPE OF OPERATIONS** - The permittee shall conduct underground coal mining activities only on those lands specifically designated as within the permit area on the maps submitted in the approved plan and approved for the term of the permit and which are subject to the performance bond.
- Sec. 8 ENVIRONMENTAL IMPACTS** - The permittee shall minimize any adverse impact to the environment or public health and safety through but not limited to:
- (a) Any accelerated monitoring to determine the nature and extent of noncompliance and the results of the noncompliance;
 - (b) Immediate implementation of measures necessary to comply; and
 - (c) Warning, as soon as possible after learning of such noncompliance,